

Four Police Officials Convicted by a Jury of Conspiracy



James E. Huesey



John J. Murtha



Dennis Sweeney



James F. Thompson

December 27 to December 31 does not of itself constitute a defense to this charge.

The testimony of Detective Al Thomas, of the District Attorney's staff, giving a part of a conversation between Murtha and Whitman at which Thomas was present and to which Abraham S. Gilbert, counsel for Murtha, objected on the ground that it was held on the understanding that it should be regarded as privileged, Justice Seabury said:

"It is only right that I should charge you that if the District Attorney had any evidence against the defendant Murtha, which was not obtained under promise of immunity, it was his duty to bring it into this case for the consideration of the jury. If you find a fact that that conversation did not take place, then I charge you that there is not sufficient evidence against the defendant Murtha to justify a conviction. If you find the conversation did take place, then it is your duty to decide what the defendant Murtha meant."

Thomas had said that Murtha told him he wanted to see Mr. Whitman and that he wanted immunity and also that he (Murtha) had told Inspector Thompson that he was willing to chip in for Fox.

"You are not trying the Police Department," Justice Seabury concluded. "You are trying the so-called police system. You are trying these particular defendants on the particular charge named in the indictment."

Whitman Talks Two Hours. District Attorney Whitman began his summing up for the State at 2:37 o'clock and talked for just two hours and thirty-eight minutes. He did not try to change his position between the attack by the counsel for the defense except to express his belief that a man who pleaded guilty and sought to right the wrong he had done the State by assisting in the enforcement of law was not the vile creature the defense had sought to make out.

He also warned the jury that there was absolutely no evidence of any kind in existence, so far as he knew, which would support the vicious attack made upon George A. Sipp's character. One such attack, he said, had been placed before the Grand Jury and that body had quickly thrown it out as worthless.

In beginning his argument Mr. Whitman said:

"If I should omit mention of any point which has been mentioned by the four attorneys who have spoken between five and six hours on behalf of the defendants I want you to remember the essential points of the State's case and remember that none of these essential points has been contradicted."

"What is the defense? They attack some of the witnesses for the prosecution. Some of them are guilty of crime. There is no question about that. You don't get good men to be accomplices of grafters; you don't get respectable business men to buy the protection of police inspectors. They say: 'We all have had good reputations and two of us have a kind of an alibi.'"

"Did you ever hear of a man at the head of an army of 10,000 men who didn't have a good reputation and stayed in the State of New York? But this is a case in which a man at the head of an army of 10,000 men is charged with conspiracy to obstruct the administration of law and justice."

Justice Seabury charged with particular reference to the case of Inspector Thompson that a person coming into a conspiracy after its formation is deemed in law to be responsible for all the acts done by the other conspirators, either before or after his entry into the conspiracy.

"Conspiracy," he said, "implies a concert of design, not necessarily participation in every detail of its operation. The fact that the object of the conspiracy was not accomplished, or that the corrupt design was frustrated, is immaterial in determining that the crime of conspiracy has been committed."

The question of who among the witnesses for the State were accomplices and who were not was one which came up for frequent argument in the trial.

Justice Seabury charged that Capt. Walsh, Policeman Fox, George A. Sipp, Edward Sipp, Jacob Rouns and Edward J. Newell, the last two lawyers, were accomplices.

"Whether or not any of the others is an accomplice," he went on, "is a question of fact for the jury to decide. It is a question of fact for the jury to decide whether or not Mrs. Walsh and James Fox, Eugene Fox's brother, are accomplices. It is certain that Miss Mitchell, the nurse, Detective Thomas and Policeman Demitro are not accomplices."

Alibi Disposed Of. Thompson's alibi, so far as it related to his stay in Liberty, was disposed of by the court as follows:

"If you believe that Thompson entered the conspiracy on January 27, as the People claim, the fact that you may find that he was in Liberty from

still everything would have been all right for these four inspectors.

"They say the charge framed up against Sipp was to bring him back. They were getting an affidavit on the 21st to bring back Sipp who didn't leave town until the 25th. The activity was caused by the fact that Sipp's mouth must be closed or Fox would go down. If Fox went down, and he has gone down, Walsh would go down. And if Walsh went down, and he has gone down, the inspectors would go down."

Who did Sweeney send the money to Walsh? Because Fox was Walsh's man. The inspectors wanted Fox freed because they were grafters and he was a defector. There is a question in this conspiracy whether the police or the law shall rule and the Grand Jury settled it in the Sipp case in favor of the law.

"If this thing can be done in this State—the Police Department, its leaders and commanders, can conspire to defeat the law, it means an end of civilized government. They are guilty of crimes more dangerous than bribery."

Abraham S. Gilbert, counsel for Murtha, opened yesterday morning's session of the trial with his summary of the case. He said that up to the time of Murtha's visit to Whitman, according to the State's own case, Murtha had not done a single thing with reference to the conspiracy.

He characterized the repetition of Murtha's statement by Detective Thomas as "a class of testimony which has been condemned for over a century." Including it in the classification of testimony by one who has been compelled by a promise of immunity to testify against himself.

John R. Stanfield, counsel for Thompson, followed Mr. Gilbert.

U. S. TO KNOW WHY, IF TARIFF CUTS WAGES

Wilson Orders Investigations of Threats Made by Manufacturers.

WASHINGTON, May 6.—American manufacturers who cut the wages of their employees after the passage of the new tariff bill by Congress will have to "show" the Wilson Administration. They became apparent to-day when Secretary of Commerce Redfield announced that by direction of the President he had instructed the chief of the bureau of foreign and domestic commerce to make a thorough inquiry into the stone and ceramic pottery industry of the United States and into the industry conducted in the pottery districts of England, France and Germany.

The pottery people have represented that a reduction in wages would follow lower duties. The Wilson Administration intends to take steps to ascertain whether or not American manufacturers in their talk of inevitable wage reductions are sincere or whether they are merely bluffing.

To-day's announcement goes much further than the pottery industry. It obviously is a notice to other American manufacturers that the Administration has the means at hand for ascertaining the facts if wage reductions are to follow the passage of the tariff bill. Secretary Redfield said:

"It is understood that the manufacturers of these articles in this country claim to be having some difficulty in competing with foreign manufacturers in our own markets and in the foreign markets, and this inquiry is for the purpose of ascertaining the reason for this condition, with a view to correction if possible, and to assist our manufacturers in reducing the cost of their output."

The inquiry will extend into practically every phase of the domestic pottery industry. The principal centers of production of earthen china and porcelain ware are Trenton, N. J., and East Liverpool, Ohio.

The investigation is based upon authority of a law passed by Congress a year ago. This law states that it shall be the duty of the bureau to ascertain, whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States and in leading countries where such articles are produced. The law provides also that the bureau shall show what articles are controlled by trusts or other combinations of capital and what effect the trusts and combinations have on production and prices.

This is a law which up to this time has attracted little attention, but which seems about to be put to practical use by the Wilson Administration. The investigation of the pottery industry is the first one ordered under the authority of the new act.

KILLS HIMSELF ON EVE OF TRIP.

Reporter Was to Have Sailed for Italy To-day.

Raffaele Adonelli, 34 years old, for many years a reporter on the Italian newspaper *Il Progresso*, was found dead from gas in his room at 152 West Forty-eighth street last night. He had attached a tube to the gas jet and put one end of the tube into his mouth.

Neighbors said that Adonelli planned to leave on a four months trip to Italy to-day. His father and brother committed suicide some years ago.

TARIFF OFF MEAT WON'T LOWER PRICE

Dealers Say Beef From Australia Prohibited by Freights.

WORLD SUPPLY IS SHORT Most of Argentina's Output Seeks Higher Market in London.

Meat packers and cattle breeders do not believe that shiploads of chilled beef and frozen mutton from South America and Australia will be available for United States markets when the duty on meat is removed. Their opinion is unanimous that the consumer will not benefit when meat is transferred to the free list and that the opening of the Panama Canal will not affect the situation.

"Meat prices are governed by the world supply and demand," said George L. McCarthy, secretary of the American Meat Packers Association, to a Sun reporter yesterday. "The question of tariffs has little to do with the matter. Take the parallel case of hides. The duty was 15 per cent. ad valorem, and later it was removed. Now hides are higher than ever in this country."

"The countries from which beef might be brought into the United States are Canada, Mexico and Argentina. Canada only raises enough for her own consumption, Mexican beef is notoriously bad, so this leaves Argentina as the only probable source."

"For the Argentine shippers it is a question of the world's markets. England is the largest importer and London markets are uniformly higher than those of the United States, so that the exporter from Argentina would be foolish to market his product in this country. I do not doubt that some Argentine beef will be brought in, but not enough to affect price."

"During the recent Presidential campaign there was a great hue and cry that American beef was being sold cheaper in London than in New York. The amount of beef imported from London to the United States in a year would hardly supply the New York market for a day. England uses Argentine beef, and when American beef is quoted in London they mean South American beef. Some of this is shipped from Argentina by United States packers who have already gained a foothold in South America."

"Argentine beef is of a poorer quality than United States beef and does not command the price. It is not corned, and as yet they do not raise corn in South America to feed the cattle."

When asked what, in his opinion, caused the present high beef prices in this country, Mr. McCarthy said: "It is entirely a question of supply and demand. The population of this country has increased nearly 65,000,000 in the last decade, and the amount of beef raised here decreased. Naturally that situation causes higher prices."

"Present day immigration into the United States makes just so many more people to eat meat, but does not bring any additional beef growers. The immigrant to-day stays in the cities—he is a consumer of meat and not a producer."

Mr. McCarthy's attention was called to the article in the *British Consular and Trade Reports* which said that Australian meat would soon flood American markets.

"That condition is hardly probable," he said. "Australia is a sheep raising country. They export practically no beef. We raise enough mutton in this country to supply the demand. There is almost never a scarcity of mutton. So far as refrigeration is concerned, it would be possible to send Australian mutton to this country, but it is not likely that it could be sold here as cheap as the home grown mutton."

"It would not be feasible to bring Australian mutton across the continent from San Francisco to New York on account of the high cost of refrigeration and freight, but it would be possible to land it in New York after the completion of the Panama Canal. A shipment of Australian mutton was landed in this country by way of England several years ago, but the experiment was never repeated."

John Clay, a live stock and meat authority of international repute, has the following to say in the current number of the *Breeders Gazette*:

"Meat trade has been revolutionized during the last decade and a half and we are now facing a worldwide deficiency. They talk glibly about meeting this deficiency by taking off the duty, but where is the beef to come from even if the duty is abolished? Not from Canada, certainly, neither from South America."

"The moment the United States abolishes its tariff and becomes a competitor for Argentina's output the price will rise in London. As a matter of fact beef production in Argentina is stationary, and has been for some time, and prices are steadily enhancing. Conditions in the

ALBANY, MAY 6.—Gov. Sulzer warned Commissioner of Police Waldo and officials of Queens, Kings, Nassau and New York counties to-night that he would head them strictly accountable for violations of the anti-gambling laws after horse racing is renewed. He mailed the appended letter to the district attorneys and sheriffs of Nassau, Queens, Kings and New York counties and Commissioner Waldo.

Warns Officials They Will Be Responsible When Races Start.

STATEMENT BY BELMONT Says Tracks Will Be Conducted Legally—Praises Paris Mutuels.

Information having been brought to my attention that horse racing will shortly be renewed in this city, I hereby direct you to take all necessary measures and precautions to enforce the laws, to use all the means within your power and authority to secure the strict enforcement of the laws in regard to gambling or any other illegal, unlawful and improper practices or acts relating to pool selling, bookmaking or any other kind of gambling, and further to prevent all wagers, bets or stakes made to depend upon any horse race in the nature of gambling within your county.

Your attention is directed specifically to article 1, section 4, of the State Constitution and to article 28 of the Penal Law entitled "Gambling," especially under said article to sections 98, 99 and 997 of the Penal Law.

You will be held strictly accountable for the performance of your duty in the premises.

In view of Gov. Sulzer's expressed determination to prevent gambling and bookmaking at Belmont Park when the racing season opens there on Decoration Day, August Belmont, chairman of the Jockey Club, made a formal statement in reply to questions yesterday. He confirmed the long-standing story that the racing interests would aid the Governor in his crusade against professional gamblers.

Mr. Belmont made it clear that the anti-bookmaking law as it has been interpreted by the courts will be strictly enforced. Incidentally Mr. Belmont pointed to the fact that wherever the French pari-mutuel system of betting has been established the bookmakers have been driven out of business. The statement follows:

"The Governor's reply to the question as to his attitude toward gambling at the race courses in this State is not only acceptable to racing men and racing associations but is precisely what every good citizen would expect him to say."

"The racing associations will welcome, with their officers, trainers and jockeys, the presence and cooperation of the Sheriff and his deputies in any number he may require. The associations do not need the assistance of any law and order society or anti-gambling league to help them observe the law."

"On the part of the four associations about to conduct a race meeting at Belmont Park I am authorized to repeat with unqualified emphasis and assurance that we are entitled from whatever quarter that the violation of the laws of this State is contemplated or will be permitted."

"The malignity with which so-called purifiers of public morals persecute racing interests in this State under the guise of duty to 'race-track gambling,' is freely aimed at the sport itself. They do not wish to see racing conducted at all."

"They lay to racing the existence of city poverty, the cure for which should be sought in rationalizing the perfectly legitimate sport of racing and industry of horse breeding than the destruction of the vineyards and the corn and rye fields to stop drinking."

"The law will be observed whether the decision in the so-called *Shane* case is confirmed by the Court of Appeals or not."

"The State to-day authorizes horse racing and its systematized conduct by law, and those who desire to have the indisputable right to participate in racing are entitled to court definitions of laws applying to the personal conduct of patrons and spectators."

"The courts are and have been passing on them, and whatever the verdict the associations will obey them and repudiate all and any insinuations that they may attempt to evade them."

"A word on this oft reiterated nonsense about the 'sport of kings.' It is framed and conducted as a popular sport. The purpose to it is clean and honest dealing."

"The rules of racing apply to the humblest and biggest participant alike and are enforced in the same spirit. It has no greater desire or intention to exclude the undesirable and dishonest than all other occupations of this great community, whether for pleasure or business."

"This State could abolish the bookmaker and plunger with one stroke of the pen."

SULZER TO ENFORCE ANTI-BETTING LAW

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The French pari-mutuel has driven the French racecourse on the continent of Europe and is doing the same to-day in Kentucky and in such States where the mutuel bet is permitted.

DOOM CORNELL SOCIAL CLUBS.

Senior Societies Take Action to Wipe Out Organizations.
ITHACA, May 6.—Social clubs at Cornell University appear to be doomed through action taken to-day by the two senior honorary societies, Sphinx Head and Quill and Dagger. By the new regulations any student who now belongs or joins in the future any of such clubs is excluded from membership in the senior honorary societies. Another resolution compels all members of the senior societies who belong also to social clubs to resign from these clubs before May 13 or forfeit their membership in the senior societies.

Membership in Sphinx Head and Quill and Dagger is among the most prized college honors. Every fraternity at Cornell has been requested to take action prohibiting its members from belonging to the clubs.

It is charged that the social clubs are snob breeders; that the sole purpose of their meetings is to drink and that they tend to create caste spirit. Social clubs which seem sure to be abolished are the Beth Lamed, Mafura, Kappa Beta Phi, Gemel Kharum, Yenan, Bench and Board, Krug, Tafel and Cinch.

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